



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 02/04/04, by Jay C. Hoffman

**SYNOPSIS AS INTRODUCED:**

705 ILCS 105/27.1a

from Ch. 25, par. 27.1a

Amends the Clerks of Courts Act. Provides that, in counties with a population of 500,000 or less, the fee for minor traffic or ordinance violations is \$10 or the maximum that was allowed by law on June 30, 2003 (instead of \$10). Effective immediately.

LRB093 20725 LCB 46614 b

1 AN ACT concerning court fees.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Clerks of Courts Act is amended by changing  
5 Section 27.1a as follows:

6 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

7 Sec. 27.1a. The fees of the clerks of the circuit court in  
8 all counties having a population of not more than 500,000  
9 inhabitants in the instances described in this Section shall be  
10 as provided in this Section. In those instances where a minimum  
11 and maximum fee is stated, the clerk of the circuit court must  
12 charge the minimum fee listed and may charge up to the maximum  
13 fee if the county board has by resolution increased the fee.  
14 The fees shall be paid in advance and shall be as follows:

15 (a) Civil Cases.

16 The fee for filing a complaint, petition, or other  
17 pleading initiating a civil action, with the following  
18 exceptions, shall be a minimum of \$40 and a maximum of  
19 \$160.

20 (A) When the amount of money or damages or the  
21 value of personal property claimed does not exceed  
22 \$250, \$10.

23 (B) When that amount exceeds \$250 but does not  
24 exceed \$500, a minimum of \$10 and a maximum of \$20.

25 (C) When that amount exceeds \$500 but does not  
26 exceed \$2500, a minimum of \$25 and a maximum of \$40.

27 (D) When that amount exceeds \$2500 but does not  
28 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

29 (E) For the exercise of eminent domain, a minimum  
30 of \$45 and a maximum of \$150. For each additional lot  
31 or tract of land or right or interest therein subject  
32 to be condemned, the damages in respect to which shall

1           require separate assessment by a jury, a minimum of \$45  
2           and a maximum of \$150.

3       (a-1) Family.

4           For filing a petition under the Juvenile Court Act of  
5           1987, \$25.

6           For filing a petition for a marriage license, \$10.

7           For performing a marriage in court, \$10.

8           For filing a petition under the Illinois Parentage Act  
9           of 1984, \$40.

10       (b) Forcible Entry and Detainer.

11           In each forcible entry and detainer case when the  
12           plaintiff seeks possession only or unites with his or her  
13           claim for possession of the property a claim for rent or  
14           damages or both in the amount of \$15,000 or less, a minimum  
15           of \$10 and a maximum of \$50. When the plaintiff unites his  
16           or her claim for possession with a claim for rent or  
17           damages or both exceeding \$15,000, a minimum of \$40 and a  
18           maximum of \$160.

19       (c) Counterclaim or Joining Third Party Defendant.

20           When any defendant files a counterclaim as part of his  
21           or her answer or otherwise or joins another party as a  
22           third party defendant, or both, the defendant shall pay a  
23           fee for each counterclaim or third party action in an  
24           amount equal to the fee he or she would have had to pay had  
25           he or she brought a separate action for the relief sought  
26           in the counterclaim or against the third party defendant,  
27           less the amount of the appearance fee, if that has been  
28           paid.

29       (d) Confession of Judgment.

30           In a confession of judgment when the amount does not  
31           exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
32           the amount exceeds \$1500, but does not exceed \$15,000, a  
33           minimum of \$40 and a maximum of \$115. When the amount  
34           exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

35       (e) Appearance.

36           The fee for filing an appearance in each civil case

1 shall be a minimum of \$15 and a maximum of \$60, except as  
2 follows:

3 (A) When the plaintiff in a forcible entry and  
4 detainer case seeks possession only, a minimum of \$10  
5 and a maximum of \$50.

6 (B) When the amount in the case does not exceed  
7 \$1500, a minimum of \$10 and a maximum of \$30.

8 (C) When that amount exceeds \$1500 but does not  
9 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

10 (f) Garnishment, Wage Deduction, and Citation.

11 In garnishment affidavit, wage deduction affidavit,  
12 and citation petition when the amount does not exceed  
13 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
14 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
15 of \$5 and a maximum of \$30; and when the amount exceeds  
16 \$5,000, a minimum of \$5 and a maximum of \$50.

17 (g) Petition to Vacate or Modify.

18 (1) Petition to vacate or modify any final judgment or  
19 order of court, except in forcible entry and detainer cases  
20 and small claims cases or a petition to reopen an estate,  
21 to modify, terminate, or enforce a judgment or order for  
22 child or spousal support, or to modify, suspend, or  
23 terminate an order for withholding, if filed before 30 days  
24 after the entry of the judgment or order, a minimum of \$20  
25 and a maximum of \$50.

26 (2) Petition to vacate or modify any final judgment or  
27 order of court, except a petition to modify, terminate, or  
28 enforce a judgment or order for child or spousal support or  
29 to modify, suspend, or terminate an order for withholding,  
30 if filed later than 30 days after the entry of the judgment  
31 or order, a minimum of \$20 and a maximum of \$75.

32 (3) Petition to vacate order of bond forfeiture, a  
33 minimum of \$10 and a maximum of \$40.

34 (h) Mailing.

35 When the clerk is required to mail, the fee will be a  
36 minimum of \$2 and a maximum of \$10, plus the cost of

1 postage.

2 (i) Certified Copies.

3 Each certified copy of a judgment after the first,  
4 except in small claims and forcible entry and detainer  
5 cases, a minimum of \$2 and a maximum of \$10.

6 (j) Habeas Corpus.

7 For filing a petition for relief by habeas corpus, a  
8 minimum of \$60 and a maximum of \$100.

9 (k) Certification, Authentication, and Reproduction.

10 (1) Each certification or authentication for taking  
11 the acknowledgment of a deed or other instrument in writing  
12 with the seal of office, a minimum of \$2 and a maximum of  
13 \$6.

14 (2) Court appeals when original documents are  
15 forwarded, under 100 pages, plus delivery and costs, a  
16 minimum of \$20 and a maximum of \$60.

17 (3) Court appeals when original documents are  
18 forwarded, over 100 pages, plus delivery and costs, a  
19 minimum of \$50 and a maximum of \$150.

20 (4) Court appeals when original documents are  
21 forwarded, over 200 pages, an additional fee of a minimum  
22 of 20 cents and a maximum of 25 cents per page.

23 (5) For reproduction of any document contained in the  
24 clerk's files:

25 (A) First page, a minimum of \$1 and a maximum of  
26 \$2.

27 (B) Next 19 pages, 50 cents per page.

28 (C) All remaining pages, 25 cents per page.

29 (l) Remands.

30 In any cases remanded to the Circuit Court from the  
31 Supreme Court or the Appellate Court for a new trial, the  
32 clerk shall file the remanding order and reinstate the case  
33 with either its original number or a new number. The Clerk  
34 shall not charge any new or additional fee for the  
35 reinstatement. Upon reinstatement the Clerk shall advise  
36 the parties of the reinstatement. A party shall have the

1 same right to a jury trial on remand and reinstatement as  
2 he or she had before the appeal, and no additional or new  
3 fee or charge shall be made for a jury trial after remand.

4 (m) Record Search.

5 For each record search, within a division or municipal  
6 district, the clerk shall be entitled to a search fee of a  
7 minimum of \$4 and a maximum of \$6 for each year searched.

8 (n) Hard Copy.

9 For each page of hard copy print output, when case  
10 records are maintained on an automated medium, the clerk  
11 shall be entitled to a fee of a minimum of \$4 and a maximum  
12 of \$6.

13 (o) Index Inquiry and Other Records.

14 No fee shall be charged for a single  
15 plaintiff/defendant index inquiry or single case record  
16 inquiry when this request is made in person and the records  
17 are maintained in a current automated medium, and when no  
18 hard copy print output is requested. The fees to be charged  
19 for management records, multiple case records, and  
20 multiple journal records may be specified by the Chief  
21 Judge pursuant to the guidelines for access and  
22 dissemination of information approved by the Supreme  
23 Court.

24 (p) (Blank).

25 ~~a minimum of \$25 and a maximum of \$50~~

26 (q) Alias Summons.

27 For each alias summons or citation issued by the clerk,  
28 a minimum of \$2 and a maximum of \$5.

29 (r) Other Fees.

30 Any fees not covered in this Section shall be set by  
31 rule or administrative order of the Circuit Court with the  
32 approval of the Administrative Office of the Illinois  
33 Courts.

34 The clerk of the circuit court may provide additional  
35 services for which there is no fee specified by statute in  
36 connection with the operation of the clerk's office as may

1 be requested by the public and agreed to by the clerk and  
2 approved by the chief judge of the circuit court. Any  
3 charges for additional services shall be as agreed to  
4 between the clerk and the party making the request and  
5 approved by the chief judge of the circuit court. Nothing  
6 in this subsection shall be construed to require any clerk  
7 to provide any service not otherwise required by law.

8 (s) Jury Services.

9 The clerk shall be entitled to receive, in addition to  
10 other fees allowed by law, the sum of a minimum of \$62.50  
11 and a maximum of \$212.50, as a fee for the services of a  
12 jury in every civil action not quasi-criminal in its nature  
13 and not a proceeding for the exercise of the right of  
14 eminent domain and in every other action wherein the right  
15 of trial by jury is or may be given by law. The jury fee  
16 shall be paid by the party demanding a jury at the time of  
17 filing the jury demand. If the fee is not paid by either  
18 party, no jury shall be called in the action or proceeding,  
19 and the same shall be tried by the court without a jury.

20 (t) Voluntary Assignment.

21 For filing each deed of voluntary assignment, a minimum  
22 of \$10 and a maximum of \$20; for recording the same, a  
23 minimum of 25 cents and a maximum of 50 cents for each 100  
24 words. Exceptions filed to claims presented to an assignee  
25 of a debtor who has made a voluntary assignment for the  
26 benefit of creditors shall be considered and treated, for  
27 the purpose of taxing costs therein, as actions in which  
28 the party or parties filing the exceptions shall be  
29 considered as party or parties plaintiff, and the claimant  
30 or claimants as party or parties defendant, and those  
31 parties respectively shall pay to the clerk the same fees  
32 as provided by this Section to be paid in other actions.

33 (u) Expungement Petition.

34 The clerk shall be entitled to receive a fee of a  
35 minimum of \$15 and a maximum of \$60 for each expungement  
36 petition filed and an additional fee of a minimum of \$2 and

1 a maximum of \$4 for each certified copy of an order to  
2 expunge arrest records.

3 (v) Probate.

4 The clerk is entitled to receive the fees specified in  
5 this subsection (v), which shall be paid in advance, except  
6 that, for good cause shown, the court may suspend, reduce,  
7 or release the costs payable under this subsection:

8 (1) For administration of the estate of a decedent  
9 (whether testate or intestate) or of a missing person, a  
10 minimum of \$50 and a maximum of \$150, plus the fees  
11 specified in subsection (v) (3), except:

12 (A) When the value of the real and personal  
13 property does not exceed \$15,000, the fee shall be a  
14 minimum of \$25 and a maximum of \$40.

15 (B) When (i) proof of heirship alone is made, (ii)  
16 a domestic or foreign will is admitted to probate  
17 without administration (including proof of heirship),  
18 or (iii) letters of office are issued for a particular  
19 purpose without administration of the estate, the fee  
20 shall be a minimum of \$10 and a maximum of \$40.

21 (C) For filing a petition to sell Real Estate, \$50.

22 (2) For administration of the estate of a ward, a  
23 minimum of \$50 and a maximum of \$75, plus the fees  
24 specified in subsection (v) (3), except:

25 (A) When the value of the real and personal  
26 property does not exceed \$15,000, the fee shall be a  
27 minimum of \$25 and a maximum of \$40.

28 (B) When (i) letters of office are issued to a  
29 guardian of the person or persons, but not of the  
30 estate or (ii) letters of office are issued in the  
31 estate of a ward without administration of the estate,  
32 including filing or joining in the filing of a tax  
33 return or releasing a mortgage or consenting to the  
34 marriage of the ward, the fee shall be a minimum of \$10  
35 and a maximum of \$20.

36 (C) For filing a Petition to sell Real Estate, \$50.



1           (3) In addition to the fees payable under subsection  
2           (v) (1) or (v) (2) of this Section, the following fees are  
3           payable:

4                   (A) For each account (other than one final account)  
5                   filed in the estate of a decedent, or ward, a minimum  
6                   of \$10 and a maximum of \$25.

7                   (B) For filing a claim in an estate when the amount  
8                   claimed is \$150 or more but less than \$500, a minimum  
9                   of \$10 and a maximum of \$25; when the amount claimed is  
10                  \$500 or more but less than \$10,000, a minimum of \$10  
11                  and a maximum of \$40; when the amount claimed is  
12                  \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
13                  provided that the court in allowing a claim may add to  
14                  the amount allowed the filing fee paid by the claimant.

15                  (C) For filing in an estate a claim, petition, or  
16                  supplemental proceeding based upon an action seeking  
17                  equitable relief including the construction or contest  
18                  of a will, enforcement of a contract to make a will,  
19                  and proceedings involving testamentary trusts or the  
20                  appointment of testamentary trustees, a minimum of \$40  
21                  and a maximum of \$60.

22                  (D) For filing in an estate (i) the appearance of  
23                  any person for the purpose of consent or (ii) the  
24                  appearance of an executor, administrator,  
25                  administrator to collect, guardian, guardian ad litem,  
26                  or special administrator, no fee.

27                  (E) Except as provided in subsection (v) (3) (D),  
28                  for filing the appearance of any person or persons, a  
29                  minimum of \$10 and a maximum of \$30.

30                  (F) For each jury demand, a minimum of \$62.50 and a  
31                  maximum of \$137.50.

32                  (G) For disposition of the collection of a judgment  
33                  or settlement of an action or claim for wrongful death  
34                  of a decedent or of any cause of action of a ward, when  
35                  there is no other administration of the estate, a  
36                  minimum of \$30 and a maximum of \$50, less any amount

1           paid under subsection (v) (1) (B) or (v) (2) (B) except  
2           that if the amount involved does not exceed \$5,000, the  
3           fee, including any amount paid under subsection  
4           (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
5           maximum of \$20.

6           (H) For each certified copy of letters of office,  
7           of court order or other certification, a minimum of \$1  
8           and a maximum of \$2, plus a minimum of 50 cents and a  
9           maximum of \$1 per page in excess of 3 pages for the  
10          document certified.

11          (I) For each exemplification, a minimum of \$1 and a  
12          maximum of \$2, plus the fee for certification.

13          (4) The executor, administrator, guardian, petitioner,  
14          or other interested person or his or her attorney shall pay  
15          the cost of publication by the clerk directly to the  
16          newspaper.

17          (5) The person on whose behalf a charge is incurred for  
18          witness, court reporter, appraiser, or other miscellaneous  
19          fee shall pay the same directly to the person entitled  
20          thereto.

21          (6) The executor, administrator, guardian, petitioner,  
22          or other interested person or his or her attorney shall pay  
23          to the clerk all postage charges incurred by the clerk in  
24          mailing petitions, orders, notices, or other documents  
25          pursuant to the provisions of the Probate Act of 1975.

26          (w) Criminal and Quasi-Criminal Costs and Fees.

27          (1) The clerk shall be entitled to costs in all  
28          criminal and quasi-criminal cases from each person  
29          convicted or sentenced to supervision therein as follows:

30                  (A) Felony complaints, a minimum of \$40 and a  
31                  maximum of \$100.

32                  (B) Misdemeanor complaints, a minimum of \$25 and a  
33                  maximum of \$75.

34                  (C) Business offense complaints, a minimum of \$25  
35                  and a maximum of \$75.

36                  (D) Petty offense complaints, a minimum of \$25 and

1 a maximum of \$75.

2 (E) Minor traffic or ordinance violations, \$10, or  
3 the maximum fee that was allowed by law on June 30,  
4 2003.

5 (F) When court appearance required, \$15.

6 (G) Motions to vacate or amend final orders, a  
7 minimum of \$20 and a maximum of \$40.

8 (H) Motions to vacate bond forfeiture orders, a  
9 minimum of \$20 and a maximum of \$40.

10 (I) Motions to vacate ex parte judgments, whenever  
11 filed, a minimum of \$20 and a maximum of \$40.

12 (J) Motions to vacate judgment on forfeitures,  
13 whenever filed, a minimum of \$20 and a maximum of \$40.

14 (K) Motions to vacate "failure to appear" or  
15 "failure to comply" notices sent to the Secretary of  
16 State, a minimum of \$20 and a maximum of \$40.

17 (2) In counties having a population of not more than  
18 500,000 inhabitants, when the violation complaint is  
19 issued by a municipal police department, the clerk shall be  
20 entitled to costs from each person convicted therein as  
21 follows:

22 (A) Minor traffic or ordinance violations, \$10.

23 (B) When court appearance required, \$15.

24 (3) In ordinance violation cases punishable by fine  
25 only, the clerk of the circuit court shall be entitled to  
26 receive, unless the fee is excused upon a finding by the  
27 court that the defendant is indigent, in addition to other  
28 fees or costs allowed or imposed by law, the sum of a  
29 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
30 services of a jury. The jury fee shall be paid by the  
31 defendant at the time of filing his or her jury demand. If  
32 the fee is not so paid by the defendant, no jury shall be  
33 called, and the case shall be tried by the court without a  
34 jury.

35 (x) Transcripts of Judgment.

36 For the filing of a transcript of judgment, the clerk

1 shall be entitled to the same fee as if it were the  
2 commencement of a new suit.

3 (y) Change of Venue.

4 (1) For the filing of a change of case on a change of  
5 venue, the clerk shall be entitled to the same fee as if it  
6 were the commencement of a new suit.

7 (2) The fee for the preparation and certification of a  
8 record on a change of venue to another jurisdiction, when  
9 original documents are forwarded, a minimum of \$10 and a  
10 maximum of \$40.

11 (z) Tax objection complaints.

12 For each tax objection complaint containing one or more  
13 tax objections, regardless of the number of parcels  
14 involved or the number of taxpayers joining on the  
15 complaint, a minimum of \$10 and a maximum of \$50.

16 (aa) Tax Deeds.

17 (1) Petition for tax deed, if only one parcel is  
18 involved, a minimum of \$45 and a maximum of \$200.

19 (2) For each additional parcel, add a fee of a minimum  
20 of \$10 and a maximum of \$60.

21 (bb) Collections.

22 (1) For all collections made of others, except the  
23 State and county and except in maintenance or child support  
24 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
25 of the amount collected and turned over.

26 (2) Interest earned on any funds held by the clerk  
27 shall be turned over to the county general fund as an  
28 earning of the office.

29 (3) For any check, draft, or other bank instrument  
30 returned to the clerk for non-sufficient funds, account  
31 closed, or payment stopped, \$25.

32 (4) In child support and maintenance cases, the clerk,  
33 if authorized by an ordinance of the county board, may  
34 collect an annual fee of up to \$36 from the person making  
35 payment for maintaining child support records and the  
36 processing of support orders to the State of Illinois KIDS

1 system and the recording of payments issued by the State  
2 Disbursement Unit for the official record of the Court.  
3 This fee shall be in addition to and separate from amounts  
4 ordered to be paid as maintenance or child support and  
5 shall be deposited into a Separate Maintenance and Child  
6 Support Collection Fund, of which the clerk shall be the  
7 custodian, ex-officio, to be used by the clerk to maintain  
8 child support orders and record all payments issued by the  
9 State Disbursement Unit for the official record of the  
10 Court. The clerk may recover from the person making the  
11 maintenance or child support payment any additional cost  
12 incurred in the collection of this annual fee.

13 The clerk shall also be entitled to a fee of \$5 for  
14 certifications made to the Secretary of State as provided  
15 in Section 7-703 of the Family Financial Responsibility Law  
16 and these fees shall also be deposited into the Separate  
17 Maintenance and Child Support Collection Fund.

18 (cc) Corrections of Numbers.

19 For correction of the case number, case title, or  
20 attorney computer identification number, if required by  
21 rule of court, on any document filed in the clerk's office,  
22 to be charged against the party that filed the document, a  
23 minimum of \$10 and a maximum of \$25.

24 (dd) Exceptions.

25 (1) The fee requirements of this Section shall not  
26 apply to police departments or other law enforcement  
27 agencies. In this Section, "law enforcement agency" means  
28 an agency of the State or a unit of local government which  
29 is vested by law or ordinance with the duty to maintain  
30 public order and to enforce criminal laws or ordinances.  
31 "Law enforcement agency" also means the Attorney General or  
32 any state's attorney.

33 (2) No fee provided herein shall be charged to any unit  
34 of local government or school district.

35 (3) The fee requirements of this Section shall not  
36 apply to any action instituted under subsection (b) of

1 Section 11-31-1 of the Illinois Municipal Code by a private  
 2 owner or tenant of real property within 1200 feet of a  
 3 dangerous or unsafe building seeking an order compelling  
 4 the owner or owners of the building to take any of the  
 5 actions authorized under that subsection.

6 (4) The fee requirements of this Section shall not  
 7 apply to the filing of any commitment petition or petition  
 8 for an order authorizing the administration of authorized  
 9 involuntary treatment in the form of medication under the  
 10 Mental Health and Developmental Disabilities Code.

11 (ee) Adoptions.

12 (1) For an adoption ..... \$65

13 (2) Upon good cause shown, the court may waive the  
 14 adoption filing fee in a special needs adoption. The term  
 15 "special needs adoption" shall have the meaning ascribed to  
 16 it by the Illinois Department of Children and Family  
 17 Services.

18 (ff) Adoption exemptions.

19 No fee other than that set forth in subsection (ee)  
 20 shall be charged to any person in connection with an  
 21 adoption proceeding nor may any fee be charged for  
 22 proceedings for the appointment of a confidential  
 23 intermediary under the Adoption Act.

24 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,  
 25 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;  
 26 revised 9-5-03.)

27 Section 99. Effective date. This Act takes effect upon  
 28 becoming law.